

Adoption of Children: General Info

Q. What is adoption?

A. Adoption is the procedure by which a child born to one set of parents becomes the legal child of another parent or couple, who then assume all the parental rights and duties concerning the child. The word "child" does not mean only infants --- it refers to one who is under 18 years of age. The legal result is that the child ceases to be the legal obligation of the natural parents and becomes the responsibility of the adopting parents.

Q. How are children adopted?

A. There are four types of adoptions of children under age 18 in California:

1. Relinquishment or agency adoptions, used by county Departments of Social Services or licensed private adoption agencies;
2. Independent or direct placement adoptions, made by natural parents directly into an unrelated adoptive home without the assistance of an agency;
3. intercountry adoptions, similar to purely state adoptions but with additional requirements and procedures, particularly the application of US Immigration and Naturalization regulations.
4. Stepparent or relative adoptions in which a parent's relative (often a spouse) agrees to adopt the child of that parent

Q. Who can adopt?

A. Any adult can adopt a child at least 10 years younger. A court may waive the 10-year requirement if the adoption is by a stepparent or relative and if it is in the child's best interest.

If a spouse wants to adopt, the other spouse must give his or her consent, unless they are legally separated. For the first ninety days after a child is freed for adoption and is being placed by an agency, the child may only be placed with a family of the same racial, ethnic, and cultural background. An exception to this rule may be made when the birth parents request it, when the child has an extraordinary physical or emotional need, or when such a policy would otherwise not be in the child's best interest. Religious background will also be considered.

Q. Who must consent to an adoption?

A. The following parties must consent to the adoption:
the mother;

the man who is presumed to be the father by marriage or attempted marriage to the mother at the time of birth or within 300 days prior to birth;
or has been legitimated as the father by other specified means;
Department of Social Services or county adoption agency, where parental consent is not necessary; and
an adoptee who is over 12 years of age.

one parent has been awarded custody and the other parent has not communicated with nor paid support and care of the child for 1 year, then the custodial parent alone may consent, as long as the noncustodial parent is given notice of the hearing;
when parental rights have been terminated or the parent has voluntarily given up his or her rights to the child;
when the parent has deserted the child; or

when the parent has given up the child for adoption by relinquishing rights

to the Department or a licensed agency.

No consent is required in the following circumstances: (1) one parent has been awarded custody and the other parent has not communicated with nor paid support and care of the child for 1 year, then the custodial parent alone may consent, as long as the noncustodial parent is given notice of the hearing; (2) when parental rights have been terminated or the parent has voluntarily given up his or her rights to the child; (3) when the parent has deserted the child; or (4) when the parent has given up the child for adoption by relinquishing rights to the Department or a licensed agency.

Q. What is the difference between open and closed adoption?

A. If the adoptive and birth parents know each other and remain in touch after the adoption, the adoption is said to be open. If they do not know each other and do not stay in touch after the adoption, it is said to be closed. The parties involved determine the degree of openness in an adoption. So there are no misunderstandings, it is recommended that those considering adoption consult an adoption facilitator or family law attorney to assist in ensuring the most secure adoption plan in the best interests of the child.

Adoption resources

California General Laws Annotated sections 8500 to 8700 and 9200 to 9206 (1998). See also Sections 8700 to 8720 for more information specific to agency adoptions; 8800 to 8823 for independent adoptions; 8900 to 8919 for intercountry adoptions; and 9000 to 9007 for stepparent adoptions.

The Adoptions Branch of the California Department of Social Services offers free publications, including **Adoption Assistance Program**, **Adoptions in California: General Information 1994**, and **Directory of California Adoption Agencies**. Contact the California Department of Social Services, Adoptions Branch, 744 P Street, Mail Station 19-31, Sacramento, CA 95814, (916) 322-3778 or (800) KIDS-4-US (543-7487). The Monterey County Department of Social Services in Seaside can be reached at 899-800. Monterey County public adoption services is in Salinas with phone 755-4475.

The National Adoption Information Clearinghouse was established by Congress as an information center for consumers, professionals, and the general public. The United States Department of Health and Human Services fund it. While it does not provide information on or assist in specific adoptions, nor provide counseling, it does make referrals and publish numerous fact sheets and directories. For information on California adoptions, to order free publications such as **Adoption: Where Do I Start?**, **Intercountry Adoption**, or **Open Adoption**, or to purchase the National Adoption Directory (a listing by state of all adoption agencies), contact the National Adoption Information Clearinghouse, 5640 Nicholson Lane #300, Rockville, MD 20852, (301) 231-6512.

Websites:

<http://adoption.org/legal/> All states adoption law summaries & lawyer referrals

<http://www.adoptionlaws.org/> Adoption laws and lawyer referrals

<http://adoption.org/legal/> All-purpose site